

Senate Study Bill 3109 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation, including provisions concerning the
3 regulation of motor vehicles and motor vehicle dealers, the
4 licensing and regulation of motor vehicle operators, and
5 administrative reporting requirements, providing penalties,
6 and including effective date provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

MOTOR VEHICLE OPERATORS

Section 1. Section 321.1, subsection 24B, paragraph c, Code Supplement 2011, is amended to read as follows:

~~c. A valid statement issued by the treasurer of state pursuant to certificate of deposit filed with the department as provided in section 321A.25 attesting to the filing of a certificate of deposit with the treasurer of state.~~

Sec. 2. Section 321.196, subsection 4, Code 2011, is amended to read as follows:

4. The department in its discretion may authorize the renewal of a valid driver's license other than a commercial driver's license upon application without an examination provided that the applicant meets one of the following conditions:

a. The applicant satisfactorily passes a vision test as prescribed by the department ~~or.~~

b. The applicant files a vision report in accordance with section 321.186A which shows that the applicant's visual acuity level meets or exceeds those required by the department.

c. The applicant is eligible for license renewal electronically, pursuant to rules adopted by the department.

4A. An application for renewal of a driver's license shall include a statement for the applicant to sign that acknowledges the applicant's knowledge of the requirement to notify the department of a mailing address change under section 321.182, subsection 1.

Sec. 3. Section 321.208, subsection 6, Code 2011, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* Using a hand-held electronic device to write, send, or read a text message in violation of section 321.276 while operating a commercial motor vehicle.

Sec. 4. Section 321.211, subsection 2, Code 2011, is amended to read as follows:

~~2. There is appropriated each year from the road use~~

1 ~~tax fund to the department of transportation two hundred~~
2 ~~twenty-five thousand dollars or as much thereof as is necessary~~
3 ~~to be used to pay the cost of notice and personal delivery~~
4 ~~of service, as necessary to meet the notice requirement of~~
5 ~~this section. The department shall adopt rules governing the~~
6 ~~payment of the cost of personal delivery of service of notice.~~
7 The reinstatement fees collected under section 321.191 shall
8 be deposited in the road use tax fund in the manner provided in
9 section 321.145, as reimbursement for to help defray the costs
10 of notice under this section incurred in the driver's license
11 sanction and reinstatement process.

12 Sec. 5. Section 321.257, subsection 2, paragraph f, Code
13 Supplement 2011, is amended to read as follows:

14 *f.* A "flashing circular yellow" light means vehicular
15 traffic shall proceed through the intersection or past such
16 signal with caution.

17 Sec. 6. Section 321.257, subsection 2, Code Supplement
18 2011, is amended by adding the following new paragraphs:

19 NEW PARAGRAPH. *od.* A "steady red arrow" light shown alone
20 or with another official traffic-control signal means vehicular
21 traffic shall not enter the intersection to make the movement
22 indicated by the arrow. A steady red arrow light does not
23 prohibit entering the intersection to make another movement
24 permitted by another signal indicator. A steady red arrow
25 light is intended to prohibit traffic, except pedestrians
26 directed by a pedestrian signal, from entering the intersection
27 to make the indicated turn.

28 NEW PARAGRAPH. *og.* A "flashing yellow arrow" light shown
29 alone or with another official traffic-control signal means
30 vehicular traffic may cautiously enter the intersection only
31 to make the movement indicated by the arrow, or other such
32 movement as permitted by other signal indicators displayed at
33 the same time. Vehicular traffic proceeding under a flashing
34 yellow arrow light shall yield the right-of-way to other
35 vehicles and pedestrians lawfully within the intersection.

1 Sec. 7. Section 321.258, Code 2011, is amended by striking
2 the section and inserting in lieu thereof the following:

3 **321.258 Arrangement of lights on official traffic-control**
4 **signals.**

5 The design, color, and arrangement of lights placed on an
6 official traffic control signal shall be in conformance with
7 the manual on uniform traffic-control devices adopted pursuant
8 to section 321.252.

9 Sec. 8. Section 321A.18, subsection 3, Code 2011, is amended
10 to read as follows:

11 ~~3. A statement issued by the treasurer of state attesting to~~
12 ~~the filing of a certificate of deposit with the treasurer of~~
13 ~~state as provided in section 321A.25.~~

14 Sec. 9. Section 321A.25, Code 2011, is amended to read as
15 follows:

16 **321A.25 Certificate of deposit as proof.**

17 1. Proof of financial responsibility may be evidenced
18 ~~by the statement of the treasurer of state that the person~~
19 ~~named in the statement has filed~~ filing with the treasurer
20 ~~of state~~ department fifty-five thousand dollars in the form
21 ~~of an endorsed~~ a certificate of deposit made payable jointly
22 to the ~~person and the treasurer of state~~ department. The
23 certificate of deposit shall be obtained from an Iowa financial
24 institution in the amount of fifty-five thousand dollars plus
25 any early withdrawal penalty fee. ~~The treasurer of state~~
26 ~~shall promptly notify the director of transportation of the~~
27 ~~name and address of the person to whom the statement has been~~
28 ~~issued.~~ Upon receipt of the notification certificate of
29 deposit, the ~~director of transportation~~ department shall issue
30 to the person a security insurance card for each motor vehicle
31 registered in this state by the person. The security insurance
32 card shall state the name and address of the person and the
33 registration number of the motor vehicle for which the card is
34 issued. ~~The treasurer of state shall not accept a certificate~~
35 ~~of deposit and issue a statement for it and the department~~

1 shall not accept ~~the statement~~ a certificate of deposit unless
2 accompanied by evidence that there are no unsatisfied judgments
3 of any character against the person in the county where the
4 person resides.

5 2. Such certificate of deposit shall be held by the
6 ~~treasurer of state~~ department to satisfy, in accordance with
7 this chapter, any execution on a judgment issued against
8 the person filing the certificate of deposit, for damages,
9 including damages for care and loss of services, because of
10 bodily injury to or death of any person, or for damages because
11 of injury to or destruction of property, including the loss of
12 use of property, resulting from the ownership, maintenance,
13 use, or operation of a motor vehicle after the certificate of
14 deposit was filed. A certificate of deposit so filed shall not
15 be subject to attachment or execution unless the attachment
16 or execution arises out of a suit for damages as previously
17 provided in this subsection.

18 Sec. 10. Section 321A.27, Code 2011, is amended to read as
19 follows:

20 **321A.27 Substitution of proof.**

21 The department shall consent to the cancellation of a bond
22 or certificate of insurance or the department shall ~~direct and~~
23 ~~the treasurer of state shall~~ return a certificate of deposit
24 to the person entitled to the certificate of deposit upon
25 the substitution and acceptance of other adequate proof of
26 financial responsibility pursuant to this chapter.

27 Sec. 11. Section 321A.29, subsection 1, unnumbered
28 paragraph 1, Code 2011, is amended to read as follows:

29 The department shall upon request consent to the immediate
30 cancellation of a bond or certificate of insurance, or the
31 department shall ~~direct and the treasurer of state shall~~ return
32 to the person entitled thereto a certificate of deposit filed
33 pursuant to this chapter as proof of financial responsibility,
34 or the department shall waive the requirement of filing proof,
35 in any of the following events:

1 Sec. 12. Section 321A.29, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. The department shall not consent to the cancellation
4 of a bond or ~~the~~ return of a certificate of deposit in the
5 event an action for damages upon a liability covered by such
6 proof is then pending or a judgment upon any such liability is
7 unsatisfied, or in the event the person who has filed such bond
8 or such certificate of deposit has within one year immediately
9 preceding such request been involved as an operator or owner in
10 any motor vehicle accident resulting in injury or damage to the
11 person or property of others. An affidavit of the applicant as
12 to the nonexistence of such facts, or that the applicant has
13 been released from all of the applicant's liability, or has
14 been finally adjudicated not to be liable, for such injury or
15 damage, shall be sufficient evidence thereof in the absence of
16 evidence to the contrary in the records of the department.

17 Sec. 13. Section 321M.3, Code 2011, is amended to read as
18 follows:

19 **321M.3 Authorization to issue licenses.**

20 Adair, Adams, Allamakee, Appanoose, Audubon, Benton, Boone,
21 Bremer, Buchanan, Buena Vista, Butler, Calhoun, Carroll,
22 Cass, Cedar, Cherokee, Chickasaw, Clarke, Clayton, Crawford,
23 Dallas, Davis, Decatur, Delaware, Dickinson, Emmet, Fayette,
24 Floyd, Franklin, Fremont, Greene, Grundy, Guthrie, Hamilton,
25 Hancock, Hardin, Harrison, Henry, Howard, Humboldt, Ida,
26 Iowa, Jackson, Jasper, Jefferson, Jones, Keokuk, Kossuth,
27 Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills,
28 Mitchell, Monona, Monroe, Montgomery, Muscatine, O'Brien,
29 Osceola, Page, Palo Alto, Plymouth, Pocahontas, Poweshiek,
30 Ringgold, Sac, Shelby, Sioux, Tama, Taylor, Union, Van Buren,
31 Warren, Washington, Wayne, Winnebago, Winneshiek, Worth, and
32 Wright counties shall be authorized to issue driver's licenses,
33 nonoperator identification cards, and persons with disabilities
34 identification devices on a permanent basis, provided that
35 such counties continue to meet the department's standards for

1 issuance.

2 Sec. 14. EMERGENCY RULES. The department of transportation
3 may adopt emergency rules under section 17A.4, subsection 3,
4 and section 17A.5, subsection 2, paragraph "b", to implement
5 section 321.196, subsection 4, paragraph "c", as enacted in
6 this Act, and the rules shall be effective immediately upon
7 filing unless a later date is specified in the rules. Any
8 rules adopted in accordance with this section shall also be
9 published as a notice of intended action as provided in section
10 17A.4.

11 Sec. 15. EFFECTIVE UPON ENACTMENT. The following
12 provisions of this division of this Act, being deemed of
13 immediate importance, take effect upon enactment:

14 1. The section of this division of this Act amending section
15 321.196, subsection 4.

16 2. The section of this division of this Act authorizing the
17 adoption of emergency rules.

18 DIVISION II

19 VEHICLE ENFORCEMENT

20 Sec. 16. Section 321.52, subsection 4, paragraph c, Code
21 2011, is amended to read as follows:

22 c. A salvage theft examination shall be made by a peace
23 officer who has been specially certified and recertified
24 when required by the ~~Iowa law enforcement academy~~ department
25 to do salvage theft examinations in Iowa. The ~~Iowa law~~
26 ~~enforcement academy~~ department shall determine standards for
27 training and certification, and shall conduct training, ~~and~~
28 ~~may approve alternative training programs which satisfy the~~
29 ~~academy's standards for training and certification~~. The owner
30 of the salvage vehicle shall make the vehicle available for
31 examination at a time and location designated by the peace
32 officer doing the examination. The owner may obtain a permit
33 to drive the vehicle to and from the examination location by
34 submitting a repair affidavit to the agency performing the
35 examination stating that the vehicle is reasonably safe for

1 operation and listing the repairs which have been made to the
2 vehicle. The owner must be present for the examination and
3 have available for inspection the salvage title, bills of
4 sale for all essential parts changed, if applicable, and the
5 repair affidavit. The examination shall be for the purposes
6 of determining whether the vehicle or repair components have
7 been stolen. The examination is not a safety inspection and
8 a signed salvage theft examination certificate shall not be
9 construed by any court of law to be a certification that the
10 vehicle is safe to be operated. There shall be no cause of
11 action against the peace officer or the agency conducting
12 the examination or the county treasurer for failure to
13 discover or note safety defects. If the vehicle passes the
14 theft examination, the peace officer shall indicate that the
15 vehicle passed examination on the salvage theft examination
16 certificate. The permit and salvage theft examination
17 certificate shall be on controlled forms prescribed and
18 furnished by the department. The owner shall pay a fee of
19 thirty dollars upon completion of the examination. The agency
20 performing the examinations shall retain twenty dollars of the
21 fee and shall pay five dollars of the fee to the department
22 and, notwithstanding section 321.145, five dollars of the fee
23 to the treasurer of state for deposit in the general fund of
24 the state. Moneys deposited to the general fund under this
25 paragraph ~~are subject to the requirements of section 8.60~~
26 ~~and shall be used by~~ allocated to the Iowa law enforcement
27 academy ~~to provide for the special training, certification, and~~
28 ~~recertification of officers as required by this subsection.~~
29 Sec. 17. Section 321.52, subsection 5, Code 2011, is amended
30 to read as follows:
31 5. a. The department shall adopt rules in accordance with
32 chapter 17A to carry out this section.
33 b. The department may adopt rules providing for the
34 electronic completion and issuance of salvage vehicle theft
35 examination certificates and affidavits along with the

1 electronic payment and transfer of fees collected for salvage
2 vehicle theft examinations.

3 Sec. 18. Section 321.105A, subsection 7, Code Supplement
4 2011, is amended to read as follows:

5 7. Penalty for false statement or evasion of fee. A person
6 who willfully makes a false statement in regard to the purchase
7 price of a vehicle subject to a fee for new registration or
8 willfully attempts in any manner to evade payment of the fee
9 required by this section is guilty of a fraudulent practice.
10 A person who willfully makes a false statement in regard to
11 the purchase price of such a vehicle with the intent to evade
12 payment of the fee for new registration or willfully attempts
13 in any manner to evade payment of the fee required by this
14 section shall be assessed a penalty of seventy-five percent of
15 the amount of the fee unpaid and required to be paid on the
16 actual purchase price less trade-in allowance.

17 Sec. 19. Section 321.200A, Code 2011, is amended to read as
18 follows:

19 **321.200A Convictions based upon fraud.**

20 1. If a person discovers a record of conviction for
21 a scheduled violation under this chapter was entered by
22 fraudulent use of the person's name or by use of other
23 fraudulent identification, the person may, within one year of
24 the date of the discovery of the conviction, submit a written
25 application complaint to the department ~~to~~ and request that
26 the department investigate the allegation. The department
27 may summarily reject the application complaint as submitted
28 or proceed to investigate the application complaint. ~~If the~~
29 ~~department investigates the application, the department may~~
30 ~~either deny the application or, if the department determines~~
31 ~~the allegation is warranted, approve the application.~~ If
32 the department investigates the application complaint, the
33 department shall also complete a report and findings with
34 the decision of the department containing the investigative
35 results. ~~The rejection, approval, or denial of an application~~

1 refusal to investigate a complaint is not subject to contested
2 case proceedings or further review as provided in chapter 17A.
3 If the ~~application~~ complaint is investigated, the department
4 shall provide the ~~applicant~~ person who submitted the complaint
5 with a ~~certified copy of the decision of the department~~ a
6 summary of the investigative report upon completion of the
7 investigation. ~~If the department approves the application, the~~
8 ~~department shall also provide the applicant with a certified~~
9 ~~copy of the investigative report and findings.~~ The department
10 shall also provide certified copies of the department's
11 ~~decision approving or denying the application together with~~
12 ~~the investigative report and findings~~ to the appropriate
13 prosecuting attorney in the city or county that prosecuted the
14 scheduled violation and to the district court in the county
15 that prosecuted the scheduled violation. The department
16 may electronically provide copies of ~~any decision approving~~
17 ~~or denying the application and~~ the investigative report and
18 ~~findings~~ to the district court.

19 2. A person who discovers that a record of conviction
20 for a scheduled violation under this chapter was entered
21 by fraudulent use of the person's name or by use of other
22 fraudulent identification may bypass the application complaint
23 process in subsection 1 and move in district court to set aside
24 the judgment of conviction within one year of discovery of the
25 conviction. ~~An applicant with an approved application~~ A person
26 who follows the complaint process under subsection 1 ~~shall and~~
27 obtains an investigative report from the department may also
28 move in district court to set aside the judgment of conviction
29 in order to have the department expunge or alter the records of
30 the department or rescind or modify an administrative sanction.
31 If the district court grants the motion to set aside the
32 judgment, the district court shall order the charging agency
33 or official to modify the records of the agency or official
34 to reflect the order setting aside the judgment. The clerk
35 of the district court shall provide the court order setting

1 aside the judgment, either by regular mail or electronic means,
2 to the charging agency or official, and the department of
3 transportation. The clerk of the district court shall also
4 provide the ~~applicant~~ person with a certified copy of the court
5 order at no cost to the ~~applicant~~ person.

6 3. Notwithstanding the department's ~~approval of an~~
7 ~~application pursuant to~~ investigation under subsection 1,
8 the department shall not expunge or alter the records of the
9 department or rescind or modify an administrative sanction
10 unless the department receives an order from the district
11 court setting aside the previous judgment of the court as
12 provided in subsection 2. Upon receiving a copy of an order
13 from the district court setting aside the previous judgment of
14 the court, the department shall expunge the record and shall
15 rescind any administrative sanction imposed upon the ~~applicant~~
16 person as a result of the judgment, unless the ~~applicant~~ person
17 is subject to sanctions for other reasons. The department may
18 impose a new sanction if expunging the judgment would result in
19 a lesser or different sanction.

20 4. The department shall adopt rules pursuant to chapter 17A
21 to implement this section.

22 Sec. 20. Section 321H.8, subsection 1, Code 2011, is amended
23 to read as follows:

24 1. ~~A person convicted of violating a provision of this~~
25 ~~chapter is guilty of a serious misdemeanor. A person who~~
26 violates any of the provisions of this chapter for which a
27 penalty is not specifically provided is guilty of a simple
28 misdemeanor punishable by a fine of not less than two hundred
29 fifty dollars nor more than six hundred twenty-five dollars or
30 by imprisonment not to exceed thirty days.

31 Sec. 21. Section 322.14, subsection 1, Code 2011, is amended
32 to read as follows:

33 1. A person who violates any of the provisions of this
34 chapter for which a penalty is not specifically provided is
35 guilty of a simple misdemeanor punishable by a fine of not

1 less than two hundred fifty dollars nor more than ~~one thousand~~
2 five six hundred twenty-five dollars or by imprisonment not to
3 exceed thirty days.

4 DIVISION III

5 VEHICLE AND MOTOR CARRIER SERVICES

6 Sec. 22. Section 321.40, subsection 3, Code 2011, is amended
7 to read as follows:

8 ~~3. Registration receipts issued for renewals shall have~~
9 ~~the word "renewal" imprinted thereon and, if the owner making~~
10 ~~a renewal application has been issued a certificate of title,~~
11 ~~the title number shall appear on the registration receipt.~~
12 The word "renewal" shall be printed on registration receipts
13 issued for renewals. All registration receipts for renewals
14 shall be typewritten or printed by other mechanical means. The
15 applicant shall receive a registration receipt.

16 Sec. 23. Section 321.166, subsection 2, Code 2011, is
17 amended to read as follows:

18 2. Every registration plate or pair of plates shall display
19 a registration plate number which shall consist of alphabetical
20 or numerical characters or a combination thereof and the name
21 of this state, which may be abbreviated. Every registration
22 plate issued by the county treasurer shall display the name
23 of the county, including any plate issued pursuant to section
24 321.34, except Pearl Harbor and purple heart registration
25 plates issued prior to January 1, 1997; registration plates
26 issued pursuant to section 321.34, subsection 13, paragraph
27 "d"; and collegiate, fire fighter, and medal of honor
28 registration plates. ~~Special truck registration plates shall~~
29 ~~display the word "special".~~ The department may adopt rules to
30 implement this subsection.

31 Sec. 24. Section 322.7A, subsections 1, 2, and 4, Code 2011,
32 are amended to read as follows:

33 1. An applicant for a license as a used motor vehicle
34 dealer shall complete a minimum of eight hours of prelicensing
35 education program courses in the twenty-four-month period

1 immediately preceding the application for license pursuant
2 to this section ~~prior to submitting an application to the~~
3 ~~department.~~

4 2. A person seeking renewal of a used motor vehicle dealer
5 license shall complete a minimum of five hours of continuing
6 education program courses ~~over a two-year period~~ in the
7 twenty-four-month period immediately preceding the expiration
8 of the person's license pursuant to this section ~~prior to~~
9 ~~submitting an application for license renewal.~~ However,
10 an applicant for renewal of a used motor vehicle dealer
11 license who has met the prelicensing education requirement
12 under subsection 1 within the ~~preceding twenty-four months~~
13 twenty-four-month period immediately preceding expiration of
14 the person's license is exempt from the continuing education
15 requirement for license renewal.

16 4. The Iowa independent automobile dealers association,
17 in consultation with the state department of transportation,
18 the department of education, the attorney general, and the
19 Iowa association of community college trustees, shall develop
20 the prelicensing and continuing education course curricula
21 for the used motor vehicle dealer education program, which
22 shall include but not be limited to examination of federal
23 and state laws applicable to the motor vehicle industry and
24 federal and state regulations pertaining to used motor vehicle
25 dealers. The education program courses shall be provided by
26 community colleges as defined in section 260C.2 or by the Iowa
27 independent automobile dealers association in conjunction
28 with a community college. ~~The department of education shall~~
29 ~~adopt rules establishing reasonable fees to be charged for the~~
30 ~~prelicensing education courses and the continuing education~~
31 ~~courses.~~

32 Sec. 25. Section 322.7A, Code 2011, is amended by adding the
33 following new subsection:

34 NEW SUBSECTION. 8. The department of education shall
35 adopt rules establishing reasonable fees to be charged for the

1 prelicensing education courses and the continuing education
2 courses. The department of transportation may adopt rules for
3 reinstatement of the license of a person that failed to meet
4 the continuing education requirements of subsection 2.

5 Sec. 26. REPEAL. Section 321.116, Code 2011, is repealed.

6 Sec. 27. APPLICABILITY. The section of this division of
7 this Act that repeals section 321.116 applies for registration
8 years beginning on or after January 1, 2013.

9

DIVISION IV

10

REPORT REQUIREMENTS

11 Sec. 28. Section 307.20, subsection 1, Code 2011, is amended
12 to read as follows:

13 1. A biodiesel and biodiesel blended fuel revolving fund
14 is created in the state treasury. The biodiesel and biodiesel
15 blended fuel revolving fund shall be administered by the
16 department and shall consist of moneys received from the sale
17 of EPA credits banked by the department on April 19, 2001,
18 moneys appropriated by the general assembly, and any other
19 moneys obtained or accepted by the department for deposit in
20 the fund. Moneys in the fund are appropriated to and shall
21 be used by the department for the purchase of biodiesel and
22 biodiesel blended fuel for use in department vehicles. ~~The~~
23 ~~department shall submit an annual report not later than January~~
24 ~~31 to the members of the general assembly and the legislative~~
25 ~~services agency, of the expenditures made from the fund during~~
26 ~~the preceding fiscal year.~~ Section 8.33 does not apply to
27 any moneys in the fund and, notwithstanding section 12C.7,
28 subsection 2, earnings or interest on moneys deposited in the
29 fund shall be credited to the fund.

30 Sec. 29. Section 307.21, subsection 3, Code Supplement
31 2011, is amended by striking the subsection.

32

EXPLANATION

33 This bill contains provisions relating to a variety of
34 matters regulated by the department of transportation.

35 DIVISION I — MOTOR VEHICLE OPERATORS. Under current

1 law, a person who is required to file proof of financial
2 responsibility in order to operate a motor vehicle may do so
3 by filing \$55,000 with the treasurer of state in the form of
4 a certificate of deposit made payable jointly to the person
5 and the treasurer of state. The bill amends Code section
6 321A.25 to provide that the certificate of deposit is to be
7 made payable to the department of transportation and filed
8 directly with the department, rather than with the treasurer of
9 state. The bill makes conforming amendments to the definition
10 of "financial liability coverage" in Code section 321.1,
11 the list of alternate methods of filing proof of financial
12 responsibility contained in Code section 321A.18, and related
13 provisions in Code sections 321A.27 and 321A.29.

14 Code section 321.196 is amended to provide that when the
15 department renews a driver's license electronically, it may
16 do so without requiring the licensee to pass a vision test or
17 file a vision report, pursuant to rules of the department. The
18 bill authorizes the adoption of emergency rules to implement
19 this provision. The amendment to Code section 321.196 and
20 the authorization to adopt emergency rules are effective upon
21 enactment.

22 Under current law, a person is disqualified from operating
23 a commercial motor vehicle if the person has two or more
24 convictions within a three-year period for certain specified
25 offenses committed while operating a commercial motor vehicle
26 or while operating a noncommercial motor vehicle and holding
27 a commercial driver's license, if the convictions result in
28 a sanction of the person's driving privileges. Code section
29 321.208 is amended to include text messaging while operating a
30 commercial motor vehicle as one of those specified offenses.

31 Code section 321.211 is amended by striking a standing
32 \$250,000 appropriation to the department intended to cover the
33 cost of notice and personal delivery of service in cases of
34 driver's license suspension. The bill provides that license
35 reinstatement fees shall be used to help defray license

1 sanction and reinstatement costs rather than reimburse the
2 department for the costs of notice.

3 Code section 321.257 is amended to specify the meaning of an
4 official traffic-control signal displaying a steady red arrow
5 or a flashing yellow arrow. The steady red arrow prohibits
6 vehicular traffic from entering the intersection to make the
7 movement indicated by the arrow, but does not permit entering
8 the intersection to make another movement permitted by another
9 signal indicator. A flashing yellow arrow means vehicular
10 traffic may cautiously enter the intersection only to make the
11 movement indicated by the arrow or another movement permitted
12 by other signal indicators displayed at the same time.
13 Traffic operating under a flashing yellow arrow must yield the
14 right-of-way to other vehicles and pedestrians lawfully within
15 the intersection.

16 The bill strikes current provisions in Code section
17 321.258 which specify the arrangement of lights on official
18 traffic-control signals. The provisions are replaced with a
19 requirement that the design, color, and arrangement of lights
20 on official traffic-control signals be in accordance with the
21 manual on uniform traffic-control devices, which is published
22 by the United States department of transportation and adopted
23 by rule by the state department of transportation to apply to
24 highways in the state.

25 Code section 321M.3 is amended to allow Carroll and
26 Muscatine counties to participate in county issuance of
27 driver's licenses, nonoperator identification cards, and
28 persons with disabilities identification devices.

29 DIVISION II — VEHICLE ENFORCEMENT. Code section 321.52 is
30 amended to require the department, rather than the Iowa law
31 enforcement academy, to train and certify peace officers who
32 conduct salvage vehicle theft examinations. The \$5 portion
33 of each salvage theft examination fee which currently accrues
34 to the Iowa law enforcement academy to provide salvage theft
35 examination training and certification will continue to

1 accrue to the academy. The department is authorized to adopt
2 rules providing for electronic completion and issuance of
3 certificates and affidavits along with electronic payment and
4 transfer of fees in connection with salvage theft examinations.

5 Code section 321.105A is amended to provide that a person
6 who willfully attempts to evade payment of the fee for new
7 registration is guilty of a fraudulent practice. In addition
8 to the criminal penalty, the person shall be assessed a penalty
9 of 75 percent of the amount of the fee unpaid and required to be
10 paid. These are the same penalties that currently apply for
11 making a false statement in regard to the purchase price of a
12 vehicle subject to a fee for new registration.

13 Code section 321.200A is amended to modify the process
14 established to address convictions for motor vehicle violations
15 that are based upon fraud. The term "complaint" is substituted
16 for "application" to describe the written request for an
17 investigation that is filed with the department by a person
18 alleging that a record of conviction for a scheduled violation
19 was entered by fraudulent use of the person's name or by use
20 of fraudulent identification. Under the complaint process,
21 the department retains its existing authority to accept
22 or reject a person's request for an investigation. If the
23 department investigates a complaint, it must provide copies of
24 the report to the prosecuting attorney in the city or county
25 that prosecuted the scheduled violation and to the applicable
26 district court. The person who filed the complaint is entitled
27 to receive a summary of the department's investigative report,
28 rather than a certified copy of the full report, as is required
29 under current law.

30 Code sections 321H.8 and 322.14 are amended to align penalty
31 provisions for vehicle recyclers with those of motor vehicle
32 dealers and to lower the maximum fine for a simple misdemeanor
33 violation of motor vehicle dealer provisions. Under current
34 law, a person convicted of violating any of the vehicle
35 recycler provisions contained in Code chapter 321H is guilty

1 of a serious misdemeanor, and a person convicted of violating
2 any of the motor vehicle dealer provisions contained in Code
3 chapter 322 is guilty of a simple misdemeanor punishable by
4 a fine of not less than \$250 and not more than \$1,500 or by
5 imprisonment for up to 30 days. The amendment provides that
6 the default penalty for a violation under Code chapter 321H or
7 322 is a simple misdemeanor punishable by a fine of not less
8 than \$250 and not more than \$625 or by imprisonment for up to
9 30 days.

10 DIVISION III — VEHICLE AND MOTOR CARRIER SERVICES. Code
11 section 321.40 is amended to eliminate the requirement that the
12 title number from a vehicle's certificate of title appear on
13 the registration receipt for the vehicle.

14 Code section 321.116, which establishes an annual
15 registration fee of \$25 for electric motor vehicles, is
16 repealed. As a result, electric motor vehicles will be subject
17 to registration fees based on the weight and value of the
18 vehicle. The change applies for registration years beginning
19 on or after January 1, 2013.

20 Code section 321.166 is amended to correspond to a change
21 made in 2011 legislation eliminating the requirement that
22 special trucks for farm use be issued registration plates
23 displaying the word "special".

24 Code section 322.7A, relating to education requirements
25 for used motor vehicle dealers, is amended to specify that
26 prelicensing education program courses must be completed in
27 the 24-month period immediately preceding application for
28 licensure. In addition, continuing education program courses
29 must be completed in the 24-month period immediately preceding
30 the expiration of the person's license. Current law does not
31 specify a time frame for completion of prelicensing education
32 program courses and allows for completion of continuing
33 education program courses over a two-year period preceding
34 application for license renewal. The Code section is also
35 amended to allow the department to adopt rules relating to the

1 reinstatement of licensees who fail to meet the continuing
2 education requirements.

3 DIVISION IV — REPORT REQUIREMENTS. Code section 321.20 is
4 amended by striking an annual reporting requirement regarding
5 expenditures from the biodiesel and biodiesel blended fuel
6 revolving fund.

7 Code section 307.21 is amended by striking reporting
8 requirements relating to the department's purchases of plastic
9 products, soybean-based inks, and plastic garbage can liners.